

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3486 OF 2007

DATE OF DECISION: 08-03-2007

Ajit Singh, aged about 28 years, son of Sh.Som Nath, working as Laboratory Technician, Civil Dispensary, Sector 10, Panchkula.

.....PETITIONER

VERSUS

1.The State of Haryana through Financial Commissioner and Principal Secretary to Government of Haryana, Health Department, New Haryana Civil Secretariat Building, Sector 17, Chandigarh.

2.Director, General Health Services Haryana, Sector 6, Panchkula.

3.Zila Singh son of Randhir Singh, resident of H.No.26, N.L./11 Dhand Road, Behind Maharaja Palace Kaithal, District Kaithal (Haryana)

.....RESPONDENTS

**CORAM:- HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR.JUSTICE R S MADAN**

PRESENT: Mr.Jai Bhagwan Sharma, Advocate
for the petitioner.

R S MADAN, J.

The claim of the petitioner is that he was appointed in the category of physically handicapped persons in Health Department Haryana as Laboratory Technician in pursuance to the interview conducted by the Health Department on 12-10-2006. The petitioner was found eligible and was offered the said post vide memo No.2/2-5 PM-2006/12201 dated 30-10-2006. Copy of the appointment letter is attached as Annexure P2.

The petitioner accepted the offer and submitted his

joining report on 03-11-2006 to the Medical Officer Incharge Urban Dispensary, Sector 10, Panchkula and since then he is working.

To his utter surprise, on 21-02-2007 respondent No.2 issued notice of dismissal from service vide memo No.70A(47) 5 PM-2007/995 (Annexure P6) to the petitioner on the ground that he does not possess requisite educational qualification. The petitioner through the present writ has impugned Annexure P6 vide which his services were terminated.

According to the petitioner, he was eligible for the appointment of the Laboratory Technician as per the advertisement dated 30-09-2006 (Annexure P1) where the minimum qualification has been prescribed for the post of Laboratory Technician. One of the criteria mentioned in the advertisement was that a person must pass his 10+2 examination with Physics and Chemistry as the subjects, making him eligible to be considered for the said post. The petitioner has attached his detailed marks cards Annexure P-1A of Matriculation examination of Board of School Education, Haryana and Annexure P-1B of 10+2 examination of Punjab School Education Board, wherein the detailed marks have been recorded subject-wise. Admittedly, the petitioner has not passed Physics and Chemistry as his subjects in 10+2 examination.

It was observed by the Director General, Health Services, Haryana, Panchkula that the petitioner was not having Physics and Chemistry subjects in 10+2 examination. Therefore, he does not possess the qualification as per the Notification issued by the Haryana Government, Health Department dated 04-02-1998. This led to the termination of services of Ajit Singh.

We have gone through the impugned advertisement Annexure P1 dated 30-09-2006 as well as the order of termination Annexure P6 and find that the petitioner does not possess the requisite educational qualification as per the advertisement.

We, therefore, do not find any merit in this writ petition and the same is hereby dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

March 08, 2007
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